

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION**

**B.P., H.A., and S.H., individually, and on
behalf of all other similarly situated,**

Plaintiffs,

v.

City of Johnson City, Tennessee, et al.,

Defendants.

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]No: 2:23-cv-00071-TRM-JEM

**DECLARATION OF EMILY C. TAYLOR IN SUPPORT OF DEFENDANTS' MOTION
FOR A PROTECTIVE ORDER**

Pursuant to 28 U.S.C. § 1746, I, Emily C. Taylor, certify under penalty of perjury that the foregoing is true and correct:

1. I am over eighteen (18) years of age and am competent in all respects to give this Declaration. This declaration is based upon my personal knowledge.

2. I represent the City of Johnson City and Chief Karl Turner in the above-captioned matter.

3. Attached hereto as Exhibit 1 is a copy of a subpoena to Verizon Wireless that Plaintiffs' counsel served on Verizon on or about August 12, 2024. I have identified the following numbers on the subpoena:

XXX-XXX-XX91: This is the City-issued cellular phone assigned to JCPD Captain Mike Adams.

XXX-XXX-XX69: This is the personal cellular phone number for retired JCPD Captain Mike Street.

XXX-XXX-XX63: This is the personal cellular phone number for current JCPD Lt. David Hilton

4. Mike Street retired from the Johnson City Police Department on or about March 31, 2017.

5. Captain Mike Adams is currently a captain for the Johnson City Police Department.

6. Lt. David Hilton is currently a lieutenant for the Johnson City Police Department.

7. Mike Street was not employed by JCPD for any of the dates identified on Plaintiffs' Verizon subpoena. Mike Street has not worked for JCPD since his retirement on or about March 31, 2017.

8. During a meet and confer with Plaintiffs' counsel regarding one of their proposed Verizon subpoenas, I proposed limiting the data produced to certain numbers and/or subject matters that related to Plaintiffs' claims. I also offered to produce the call logs with personal phone numbers, including the phone numbers of immediate family members, redacted. Vanessa Baehr-Jones, counsel for the Plaintiffs, rejected this proposal and indicated that she believed someone would misrepresent or lie about which numbers belonged to family members.

9. In an effort to facilitate discovery and reach an agreement with Plaintiffs' counsel regarding the Verizon Subpoena, I issued my own subpoena to Verizon for the cell phone records of Mike Street, Captain Mike Adams with the same date ranges requested by Plaintiffs' counsel. A copy of my subpoena to Verizon is attached hereto as Exhibit 2.

10. I asked Counsel for the Plaintiffs, Vanessa Baehr-Jones, if, in lieu of engaging in motion practice related to the subpoena, counsel for the Plaintiffs would agree to allow counsel for the City to issue the Verizon subpoena (Exhibit 2) and obtain the records. Upon receipt, I would review the records and ensure that only the date ranges requested were received, redact the length

of attorney-client privileged calls, mark the records as Confidential or Attorney's Eyes Only, and produce them to Plaintiffs' counsel. Ms. Baehr-Jones rejected this proposal and cited "untimely and incomplete" discovery responses from the City. A copy of the August 12, 2024 email from Ms. Baehr-Jones is attached hereto as Exhibit 3.

11. Ms. Baehr-Jones also stated that, "...we will be serving this subpoena and all other third party subpoenas issued on behalf of Plaintiffs ourselves going forward." (*See* Exhibit 3).

12. To date, the City has produced more than 213,000 "pages" of discovery, according to the last date-stamp number and over hundreds of gigabytes of data. The discovery has been produced in volumes, and the last volume of discovery produced by the City is Volume 19. The City has also retained a national eDiscovery vendor to assist with both discovery and eDiscovery, and the City has produced all of its documents in near conformity with an "ESI Protocol" proposed by the Plaintiffs.

Executed on this 29th day of August, 2024.



EMILY C. TAYLOR

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system:

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Dated this 29th day of August, 2024.

s/Emily C. Taylor, BPR No. 27157
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